

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MILTON SAMUELS,

Defendant.

No. 08-cr-789-6 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter from Defendant, Milton Samuels, purporting to challenge the Court's imposition of a 276-month period of incarceration as the principal part of the sentence originally imposed on November 13, 2009. (Doc. No. 476.) Samuels is currently serving that term of imprisonment, which was imposed as a result of his conviction after trial of conspiracy to distribute cocaine and use of a firearm in furtherance of that conspiracy. (Doc. No. 159 at 1–2.)


Samuels's letter is, in sum and substance, indistinguishable from the letter he sent to the Court in February 2022 purporting to challenge the lifetime term of supervised release that was also imposed on November 13, 2009 and will commence following his release from prison. (Doc. No. 471.) In his current letter, as in his prior one, Samuels chiefly relies on Federal Rule of Criminal Procedure 36, which permits a district court to correct a "clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission." But Samuels does not explain how any part of the Court's judgment could be construed as a "clerical error," and the Court's independent review of the record confirms that the judgment accurately reflects the sentence imposed by the Court. *See Marmolejos v. United States*, 789 F.3d 66, 70–71 (2d Cir. 2015) (discussing the narrow scope of Rule 36).

Accordingly, IT IS HEREBY ORDERED that Samuels's challenge to his 276-month term of imprisonment is DENIED. The Court declines to issue a certificate of appealability because Samuels has not made a substantial showing of the denial of a federal right. *See Tankleff v. Senkowski*, 135 F.3d 235, 241 (2d Cir. 1998). The Court additionally finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith.

The Clerk of Court is respectfully directed to mail a copy of this Order to Samuels.

SO ORDERED.

Dated: May 4, 2022
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation